A BILL FOR AN ACT

To amend title 51 of the Code of the Federated States of Micronesia by deleting all references to the Trust Territory, its instrumentalities and officials, and inserting in lieu thereof the Federated States of Micronesia, its relevant instrumentalities and officials; by repealing section 307 in its entirety; by amending section 112 of chapter 1 for the purpose of redefining some of the terms therein; by amending section 135 for the purpose of creating a requirement that employers pay in advance the return airfares of noncitizen employees; by amending section 142, for the purpose of eliminating the requirement that noncitizen employees leave the Federated States of Micronesia before they are employed by new employers; by adding a new section 143 for the purpose of establishing a time period for requesting an extension of work permits; by adding a new section 170 for the purpose of authorizing the chief to issue citations and impose fines; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1. Section 1. Title 51 of the Code of the Federated States of Micronesia, is hereby amended by deleting all references to the Trust Territory of the Pacific Islands, its instrumentalities and officials, and inserting in lieu thereof the Federated States of Micronesia, its instrumentalities and officials.

2. Section 2. Section 112 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

   "Section 112. Definitions. For the purposes of this chapter, unless it is otherwise provided or the context requires a different construction, application, or meaning:

   (1) 'Available' means able to be on the island on which the employer desires workers on the date the employer states the workers are desired.

   (2) 'Chief' means the chief of the Division of Immigration and Labor within the Department of [Resources and Development] Justice.

   (3) 'District representative' means any district employment service officer, or any other person designated by the chief to act on his behalf in any district in which there is no district employment service officer."
(4) 'Employer' means any individual, partnership, association, or corporation hiring employees in the
[Trust-Territory] Federated States of Micronesia and any individual who has in his employ a domestic servant, but
does not include any branch or agency of the [Trust Territory Government or of the United States] Government
of the Federated States of Micronesia.

(5) 'Employment service' means the [Trust-Territory]
Federated States of Micronesia Employment service established under section 151 of this Chapter.

(6) 'Employment service officer' means the official who is the head of the [Trust-Territory]
Federated States of Micronesia Employment service established under section 151 of this chapter.

(7) 'Nonresident worker' means any person who is capable of performing services or labor and who is not
a citizen of the [Trust-Territory] Federated States of Micronesia or an immigrant alien admitted to the [Trust
Territory] Federated States of Micronesia for permanent residence under the provisions of title 50 of this Code,
including persons acting in a professional, managerial, or executive capacity.

(8) 'Resident worker' means any person who is capable of performing services or labor and who is a citizen of
the [Trust-Territory] Federated States of Micronesia or
an immigrant alien admitted to the [Trust-Territory] Federated States of Micronesia for permanent residence under the provisions of title 50 of this Code, including persons acting in a professional, managerial, or executive capacity.

(8) 'State representative' means any state employment service officer, or any other person designated by the chief to act on his behalf in any state in which there is no state employment service officer."

Section 3. Section 113 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 113. Statement of policy. The Congress of the Federated States of Micronesia finds and declares that it is essential to a balanced and stable economy in the [Trust-Territory] Federated States of Micronesia that [Trust-Territory] Federated States of Micronesia citizen workers be given preference in employment in occupations and industries in the [Trust-Territory] Federated States of Micronesia, and that the public interest requires that the employment of noncitizen workers in such occupations and industries not impair the wages and working conditions of [Trust-Territory] Federated States of Micronesia workers."

Section 4. Section 114 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:
"Section 114. Preference. Resident workers shall be
given preference in employment in the [Trust-Territory]
Federated States of Micronesia in any industry or
occupation for which such workers are qualified and
available. Nonresident workers shall be employed only to
supplement the labor force of available and qualified
resident workers."

Section 5. Section 115 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 115. Benefits for resident workers hired by
Government contractors.

(1) The [Trust-Territory] Government of the Federated
States of Micronesia shall not enter into any contract
whose primary purpose is the construction of any
building, airport, road, harbor, or any other thing,
unless such contract provides that if the contractor
utilizes nonresident labor as defined in this chapter and
if such contractor provides either transportation,
lodging or lodging expenses, or room or board expenses to
any such employee, then such contractor shall provide
the same benefits to resident employees, as defined
in this title.

(2) Transportation, lodging or lodging expenses,
or room or board expenses need not be provided when a
resident employee maintains his principal place of
residence within normal commuting distance, as defined by regulations implementing [Public Law No. 46-49] title 52 of this Code, from his place of employment with such contractor."

Section 6. Section 121 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 121. Compliance with chapter; Exception for temporary employees.

(1) No employer shall employ a nonresident worker except in strict accordance with the provisions of this chapter and rules and regulations issued hereunder, except that the provisions of this chapter shall not apply to temporary employees who are brought into the [Trust Territory] Federated States of Micronesia for a period of time not to exceed ninety days.

(2) If the employer bringing in such temporary employees to the [Trust Territory] Federated States of Micronesia finds that their services are needed for a period of time exceeding ninety days, he may apply to the chief for an extension of the exemption, and the chief may grant such extension for an additional period of time not to exceed ninety days if he finds that the extension is reasonable.

(3) The chief may grant more than one extension, but the total time period, including any extensions, such
temporary employee may remain in the [Trust-Territory] Federated States of Micronesia under temporary employee status shall not exceed one hundred eighty days."

Section 7. Section 122 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 122. Application of chapter to employees of the [Trust-Territory] Federated States of Micronesia Government. Nothing in chapter 1 of this title, known as the Protection of Resident Workers Act, shall be construed to exempt employees of the [Trust-Territory] Government of the Federated States of Micronesia in seeking employment during hours not engaged in the performance of Government employment, and employers other than the [Trust-Territory] Government of the Federated States of Micronesia in hiring such employees or prospective employees, from complying fully with the provisions of such chapter, and such chapter shall be construed to apply to such persons for all purposes, except insofar as rendered inapplicable by a specific provision thereof."

Section 8. Section 131 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 131. Application required. Any employer who desires to import alien workers for employment in the [Trust-Territory] Federated States of Micronesia shall
file an application with the Employment Service stating the place and nature of the employer’s business, the number of workers desired and occupational qualifications of such workers, the wages to be paid such workers, the date on which such workers are desired, the [district] state or [districts] states in which such workers are desired, and any other information the Employment Service may require or which the employer may deem appropriate."

Section 9. Section 133 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 133. Publication of vacancy.

(1) In the event of inability to supply sufficient qualified resident workers pursuant to section 132 of this chapter, the Employment Service shall cause the existence of the vacancies and other applicable information regarding the jobs to be publicized.

(2) The publication shall include a notice to its field offices, the posting of notice in public places in the [districts] states, the use of radio and newspaper media when appropriate, and such other means as the Employment Service may determine to be feasible.

(3) No nonresident worker shall be permitted to be employed unless such publicity shall have been given:

(a) for a period of thirty days, in the [district] state or [districts] states where such employment is to
take place; and

(b) for a period of fifteen days, beginning with
the sixteenth day after the first day on which the
first advertisement was made in the [district] state or
[districts] states in which employment is to take place,
in all other [districts] states of the [Trust Territory]
Federated States of Micronesia.

(4) Upon the expiration of thirty days after the first
advertisement by the Employment Service, the employment
service officer, upon a finding that there are no
occupationally qualified resident workers available to
fill all or some of the vacancies applied for, shall
notify the chief of those positions for which no resident
workers are available."

Section 10. Section 134 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 134. Determination to permit employment of
nonresident workers.

(1) Upon receipt of notice from the employment service
officer of those positions which the employer requires,
and for which no resident workers are available, the
chief shall determine whether the employment of such
nonresident workers will be in the best interests of the
[Trust Territory] Federated States of Micronesia, and for
what period of time and under what conditions the
employer should be authorized to hire nonresident workers
for those positions.

(2) Within seven days after the receipt of notice from
the employment service officer, he shall notify the
employer of his findings."

Section 11. Section 135 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 135. Nonresident employment agreements.

(1) For those positions for which the chief has
determined that nonresident workers may be hired, he
shall require that a nonresident employment agreement be
entered into between the employer and the [Trust
Territory] Government of the Federated States of
Micronesia, which agreement shall authorize the employer
to hire nonresident workers.

(2) The agreement shall be signed by the chief, as
representative of the [Trust Territory] Government of the
Federated States of Micronesia, and by the employer or
his authorized representative.

(3) The agreement shall contain the following
provisions, in addition to any other provisions the chief
deems necessary in the circumstances:

(a) a statement that the employer requires such
nonresident workers for immediate employment;

(b) a statement of the wages the employer is
paying or intends to pay the nonresident workers for each
occupational classification he is importing an alien to
fill;

(c) a statement that the employer agrees to comply
with the minimum employment conditions and other
requirements consistent with the provisions of this
chapter and other applicable laws of the [Trust
Territory] Federated States of Micronesia;

(d) a statement of the period of time for which
the employer will be allowed to fill each position with a
nonresident worker before he must attempt to fill the
position with a resident worker by filing a new
application with the Employment Service; and

(e) [a statement of the employer’s responsibility
for return transportation to the place of origin of each
employee so employed.] a deposit with the chief of a bond
in the amount equivalent to the return airfare of each
nonresident worker to his point of hire.

(4) Any payment so made pursuant to subsection (3)(e)
of this section shall be deposited in a separate account
with the Secretary of Finance and Administration for the
sole purpose of repatriating those nonresident workers
for whom such payments were made.

([4]§) Upon execution of the agreement required
under subsections (1) through (3) of this section, the
chief shall notify the Office of Immigration and Labor.

([§]6) The chief shall provide each nonresident worker covered by this chapter with a copy of the nonresident workers' agreement which authorized his employer to hire him."

Section 12. Section 136 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 136. Effective date of nonresident employment agreements. In addition to the requirements imposed by section 135 of this chapter, no nonresident employment agreement shall be effective until it has been signed by the [District Administrator] Governor of the [district] state in which such employment, or the major portion thereof, is to be performed by the nonresident worker in question."

Section 13. Section 137 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 137. Expiration of nonresident employment agreements for failure of performance. Any nonresident employment agreement entered into by the chief [of labor] with any employer, pursuant to the requirements of section 135 of this chapter, shall expire sixty days from the date thereof, except as to the employment of any nonresident worker, as defined in this title, who is
employed and present in the [Trust Territory] Federated States of Micronesia within sixty days from such date."

Section 14. Section 138 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:


(1) The chief shall provide each nonresident worker covered by this chapter with a nonresident worker's identification certificate.

(2) The identification certificate shall contain the nonresident worker's name, his employer's name, his job classification, his legal residence, his country of origin and citizenship, his point of hire, the date of expiration of his entry permit, and the number of the nonresident worker's agreement which authorized his employer to hire him.

(3) The nonresident worker shall be required to keep such certificate on his person at all times."

Section 15. Section 139 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 139. Entry requirements. Prior to entry of a nonresident worker into the [Trust Territory] Federated States of Micronesia for employment under the provisions of this chapter, the following requirements shall be met:

(1) each nonresident worker shall present to the chief
or his representative a sworn affidavit, on a form issued by the [Trust Territory] Government of the Federated States of Micronesia, executed by him, and such other evidence as the chief may require, which indicates a minimum of two years[4] experience in the line of work for which he is being hired, marital status, and if married the name of the spouse, number and ages of dependent children, and the addresses of the spouse and dependent children, and that he has not been convicted of a felony or other crime involving moral turpitude; and

(2) The employer of a nonresident worker shall present to the chief or his representative a copy of the nonresident worker’s contract of employment, which shall include a statement of job title, of the duration of the contract, location of work, weekly hours schedule, wage scale for regular and overtime work, any deductions for living costs, and such other information or contractual provisions as required by the chief."

Section 16. Section 141 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 141. Outside employment for compensation prohibited.

(1) It shall be unlawful for any nonresident worker admitted into the [Trust Territory] Federated States of Micronesia under the provisions of this title
to engage in any other employment for compensation or for
profit other than for the employer who has contracted
with the chief for the employment of such nonresident
worker in the [Trust Territory] Federated States of
Micronesia.

(2) Any employment of the nonresident worker in the
manner prohibited under this section shall constitute
sufficient ground and cause for deportation and the chief
[of the Division of Labor] shall communicate to the
Attorney General any violation of this section and the
Attorney General shall institute deportation proceedings
against the alien worker if, in the opinion of the
[District Administrator] State Governor, such would be in
the best interest of the public.

(3) Violation of the provisions of this section by an
employer or nonresident worker shall also be subject to
penalties prescribed by section 167 of this title."

Section 17. Section 142 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 142. Change of employment. No nonresident
worker who is under a labor contract with an employer
shall work for or be employed by any other employer
during the term of such contract. Before a nonresident
worker can work for or be employed by an employer
different than his previous employer, [he shall] the new
employer must [first] be required to leave the Federated States of Micronesia] satisfy the requirements of section 135 herein and the previous employer must agree in writing that the nonresident worker may change employment."

Section 18. Title 51 of the Code of the Federated States of Micronesia is hereby amended by adding a new section 143 of chapter 1 to read as follows:

"Section 143. Request for extension of work permits. A request for extension of a work permit shall be submitted to the chief at least 45 days before the expiration of the work permit."

Section 19. Section 151 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:


(1) There is hereby established in the Department of [Resources and Development] Justice [a Trust Territory] an Employment Service.

(2) The [Trust Territory] Employment Service shall be headed by an employment service officer, who shall report directly to the chief [of labor].

(3) The purpose of the establishment of the [Trust Territory] Employment Service is to create a system of free public employment offices in the [Trust Territory]
Federated States of Micronesia for workers seeking employment and for employers seeking workers.

(4) The [Trust-Territory] Employment Service shall have its main office in the [Trust-Territory headquarters] central office of the Division of Immigration and Labor, and shall have field offices in each of the [administrative districts] states.

(5) The [Trust-Territory] Employment Service shall have such powers, duties, and functions as may be established by this chapter, other provisions of this Code, and the manual of administration of the [Trust Territory] Federated States of Micronesia Government."

Section 20. Section 152 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 152. Functions and duties of the Employment Service. For the purpose of this chapter, and without limitations on the scope or extent of powers, duties, or responsibilities vested in it by other provisions of the [Trust-Territory] FSM Code, manual of administration, regulations, or order of the [High Commissioner] President, the Employment Service through its employment service officer and [district] state representative shall:

(1) in the placement of workers, assist the chief in determining occupational categories, and for those
occupational categories designated by the chief, perform
certification functions regarding minimum standards of
qualifications and minimum wage requirements;
(2) conduct continuing surveys of manpower
needs, assist in preparing training programs and
recommend other measures for alleviating shortages
and reducing the need for nonresident workers;
(3) oversee, monitor, and review the use of alien
workers and all matters related thereto, including but
not limited to the following: health, safety, meals,
lodging, salaries, working hours and conditions, and
specific contractual provisions for labor services;
(4) conduct such investigations as may be necessary to
fulfill the provisions of this section and such other
duties as may be required by the chief."

Section 21. Section 153 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 153. Functions and duties of the chief. For
the purposes of this chapter, and without limitations
on the scope or extent of powers, duties, or
responsibilities vested in him by other provisions of
this Code of the Federated States of Micronesia,
manual of administration, regulations, or order of the
High Commissioner President, the chief and his
district state representative shall:
(1) enforce the provisions of this chapter and
the agreements which the chief enters into with employers
concerning the employment of nonresident workers,
including the performance of investigatory functions as
appropriate thereto;

(2) require that employers accept such agreements or
conditions for the payment of wages or benefits to
nonresident workers as the chief shall determine to be
necessary and consistent with the policy and purposes of
this chapter and any such agreements or conditions agreed
to by an employer shall be legally enforceable in the
courts of the [Trust Territory] Federated States of
Micronesia, upon action taken by an aggrieved employee or
[in] on his behalf by the chief or his [district] state
representative. In any such action taken by the chief or
his [district] state representative on behalf of an
aggrieved employee, the chief or his [district] state
representative shall be represented by the Office of the
Attorney General of the [Trust Territory] Federated
States of Micronesia;

(3) establish occupational categories for the
occupations to which this chapter is applicable, and
when the chief deems it necessary or desirable, establish
minimum standards of qualification procedures, and
minimum wage requirements for workers in certain
occupational categories;

(4) supervise the employment service in furtherance of the objectives of this chapter and in the effectuation of the provisions of this chapter."

Section 22. Section 154 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 154. Employer's records. Each employer hiring employees in the [Trust Territory] Federated States of Micronesia shall keep and present immediately upon demand of the chief or his [district] state representative, and quarterly to the chief and to his [district] state representative, up-to-date records with the following information:

(1) the name, address, age, and legal residence of each of his employees;

(2) the classification and wage rate of each of his employees;

(3) payrolls showing the number of hours worked each week, the compensation earned, and deductions made for each of his employees;

(4) the educational and experiential backgrounds of each of his nonresident employees (to be provided but once by an employer for each nonresident employee working in the [Trust Territory] Federated States of Micronesia);

(5) the number of employment related accidents,
name of the injured, and disposition by the employer of
the injured employee;
(6) the number and types of illnesses by alien workers,
the treatment and disposition of the alien worker, and
whether hospitalization was required;
(7) the citizenship, country of origin, and expiration
date of entry permit of each alien worker employed; and
(8) a copy of the nonresident worker’s agreement
authorizing the hiring of the alien worker in question."

Section 23. Section 155 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 155. Rules and regulations. The chief,
subject to approval by the [High Commissioner]
President, shall promulgate rules and regulations
necessary or appropriate to effectuate the provisions
of this chapter. Such rules and regulations shall
[become effective immediately, or on the date which the
chief shall determine] be promulgated pursuant to title
17 of this Code, and shall have the force and effect of
law."

Section 24. Section 161 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 161. Authorization to conduct hearings and
investigations.
(1) The chief or his [district] state representative is
hereby authorized to conduct hearings or investigations
as he may deem appropriate and necessary to enforce the
provisions of this chapter.

(2) In connection with such hearings or investigations,
the chief or his [district] state representative may
subpoena witnesses, records, and documents."

Section 25. Section 162 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 162. Procedure for hearings and investigations.

(1) The chief or his [district] state representative
shall, upon a sworn affidavit by a person that a
violation of this chapter or any rule or regulation
issued thereunder has occurred, investigate all
complaints, and he shall have the power to schedule a
public or closed hearing as he may deem appropriate
under the circumstances.

(2) Adequate notice shall be given to all parties
involved in the controversy or investigation should a
hearing be scheduled, and opportunity shall be made
available to them to present such evidence as they may
desire.

(3) The [district] state representative of the chief,
upon conclusion of his investigation or hearing, shall
have the power to issue an order disposing of the matter.
Such order shall be in force and effect until modified,
sustained, or repealed by the chief who shall review
within thirty days all investigations and hearings
conducted on a [district] state level."

Section 26. Section 163 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 163. Petition to court for enforcement.

(1) The chief may petition the Trial Division of
the [High] Supreme Court of the [Trust Territory]
Federated States of Micronesia for the enforcement of an
order issued under the provisions of this chapter, and
the appropriate temporary relief or restraining order.

(2) The chief shall file in the Court a transcript of
the records in the proceedings, including, where
appropriate, the pleading and testimony upon which the
order was entered and the findings and order of the
chief.

(3) Upon such filing, the Court shall cause notice to
be served upon the person against whom the order is
directed. Thereupon the Court shall have jurisdiction of
the proceeding and may grant such temporary relief or
restraining order as it shall deem just and proper, or
issue a decree enforcing, modifying and enforcing as so
modified, or setting aside in whole or in part, the order
of the chief.

(4) In all such actions the chief shall be represented
by the Office of the Attorney General of the [Trust Territory] Federated States of Micronesia."

Section 27. Section 165 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 165. Appeals to Court.

(1) Anyone aggrieved by an order of the chief issued under the provisions of sections 162 or 164 of this chapter may appeal the order to the Trial Division of the [High] Supreme Court of the [Trust-Territory] Federated States of Micronesia within ten days following the date of the order.

(2) The commencement of any proceedings in any Court shall not operate as a stay of compliance with any provisions of this chapter, or any rules, regulations, or orders issued hereunder.

(3) All findings, decisions, or orders by the chief on questions of fact shall be deemed final if supported by substantial evidence."

Section 28. Section 166 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 166. Injunctions. In addition to any of the other penalties prescribed by this chapter, the Attorney General may bring action in the Trial Division of the [High] Supreme Court of the [Trust-Territory] Federated States of Micronesia to enjoin violations of
the provisions of this chapter or any of the rules and
regulations issued pursuant thereto."

Section 29. Section 169 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 169. Materiality of all information; Sanctions.
(1) All information provided to the [Labor] Division of
Immigration and Labor regarding the application of an
alien for employment under this chapter, whether such
information is submitted by the employer or the alien, or
by another person on behalf of the employer or alien,
shall be deemed material to the [Labor] Division's
decision whether to permit such employment.
(2) The furnishing of any false or misleading
information by the alien, the employer, or by another
person on behalf of the employer or alien, shall be
grounds for the [Labor] Division to deny employment under
this chapter."

Section 30. Title 51 of the Code of the Federated States of
Micronesia is hereby amended by adding a new section 170 of chapter
1 to read as follows:
"Section 170. Citations. The chief may issue citations
and impose fines against employers and employees who have
violated any provisions of this chapter pursuant to
regulations promulgated by the President or his designee.
The provisions of sections 161, 162 and 163 apply should
the employers or employees choose to appeal such
citations and fines."

Section 31. Section 201 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 201. Statement of Policy.

(1) It is the policy of the [Trust-Territory]
Government of the Federated States of Micronesia to
insure the health of its citizens, and to prevent the
over taxation of its medical and hospital facilities and
personnel in the care and treatment of non-[Trust
Territory] citizens who arrive in the [Trust-Territory]
Federated States of Micronesia in a condition of ill
health.

(2) To this end, it shall be the practice
of the [Trust-Territory] Government of the Federated
States of Micronesia, in accordance with the terms of
this chapter:

(a) to require each nonresident worker and each
member of his family entering the [Trust-Territory]
Federated States of Micronesia to have in his possession
a certificate of freedom from contagious diseases;

(b) to conduct a physical examination of every
entrant into the [Trust-Territory] Federated States of
Micronesia who holds an entry permit for employment in
the [Trust-Territory] Federated States of Micronesia; and
(c) to revoke such entry permit upon a showing that the continued presence of such person in the [Trust Territory] Federated States of Micronesia would violate the statement of intent in this section."

Section 32. Section 202 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:


(1) In addition to any other requirements contained in this title or title 50 of this Code, every person admitted to the [Trust Territory] Federated States of Micronesia for employment under the provisions of chapter 1 of this title and every person admitted to the [Trust Territory] Federated States of Micronesia as a member of the family of such person shall have in his possession, and thereafter shall keep in his possession, a certificate of freedom from communicable diseases.

(2) Such certificate shall be executed and validated not more than thirty days preceding the date of entry of such person into the [Trust Territory] Federated States of Micronesia by a physician licensed to practice medicine in the country of origin of that person."

Section 33. Section 203 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 203. Physical examination required. Within ten days after his entry into the [Trust Territory]
Federated States of Micronesia, each holder of an entry permit which authorizes such person to enter the [Trust Territory] Federated States of Micronesia for the purpose of employment and each member of the family of such person shall be subject to a physical examination to be conducted by or under the auspices of the Department of Health, Education and Social Affairs [Services]. The cost of such physical examination shall be borne by the entry permit holder."

Section 34. Section 204 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 204. Notification to [High Commissioner] the President of reasons for rejecting permit holder.

(1) The [director] Secretary of the Department of Health, Education and Social Affairs [Services] shall, within a reasonable time after the completion of the physical examination required in section 202 of this chapter, notify the [High Commissioner] President as to any medical reasons why the entry-permit holder or the member of the family of the entry-permit holder should not be allowed to remain in the [Trust Territory] Federated States of Micronesia, if any, and shall state the basis of his judgment.

(2) No such notification shall be made if the continued presence of the entry permit holder or the member of the
family of the entry permit holder in the [Trust Territory] Federated States of Micronesia would not, in all medical probability, result in substantial danger to the health of the inhabitants of the [Trust-Territory] Federated States of Micronesia or in a need for prolonged medical care and treatment while in the [Trust-Territory] Federated States of Micronesia.

(3) Such notification shall be made upon any positive finding of any contagious disease, including any social disease."

Section 35. Section 205 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 205. Revocation of entry permit. Upon notification from the [director] Secretary of the Department of Health, Education and Social Affairs [Services] to the [High Commissioner] President as provided in section 203 of this chapter, the [High Commissioner] President shall revoke the entry permit of the entry permit holder or the member of his family in question on the grounds that his continued presence in the [Trust-Territory] Federated States of Micronesia would not be in the best interests of the [Trust Territory] Federated States of Micronesia."

Section 36. Section 207 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:
"Section 207. Regulations. The [High Commissioner]
President shall have the power, in the manner which is or
may be provided by law, to establish and promulgate
regulations not inconsistent with this chapter, and may
delegate any or all of his responsibilities under this
section to the chief of Immigration[, the chief of] and
Labor, the [director] Secretary of Health, Education and
Social Affairs [Services], or any of them."

Section 37. Section 302 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 302. Regional cooperation and exchange of
information.

(1) The chief [of the Division of Labor, Department of
Resources and Development,] shall initiate and maintain
with the several nations of the Pacific area who are
participants in the Conference of South Pacific Labour
 Ministers, through the Department of Labour, Commonwealth
 of Australia, a program of the periodic exchange of
 information concerning labor in the [Trust Territory]
Federated States of Micronesia, including but not limited
to the exchange of information concerning training
programs and facilities, applicable legislation and
statistics.

(2) The chief shall maintain a file of all information
received from other such countries, which shall be
Section 38. Section 303 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 303. Exchange of labor personnel. The chief [of Labor] is authorized to explore with other countries of the Pacific area who are participants in the Conference of South Pacific Labour Ministers, programs for the exchange of labor administration personnel for training and experience in the field of labor administration. To this end, the chief is authorized to implement the program by providing for the periodic exchange of division personnel, and for the in-service training of labor administration personnel from other such countries in the [Trust Territory] Federated States of Micronesia."

Section 39. Section 304 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 304. United States Department of Labor funds and programs.

(1) The chief [of the Labor Division] is authorized and directed to develop and maintain a list of all programs and services offered by the United States Department of Labor."
(2) He shall transmit copies of the list to the Congress [of Micronesia] as a part of the annual report of the division required by this chapter, together with a statement as to the advisability of the applicability of each program or service to the [Trust-Territory] Federated States of Micronesia, and a statement of the current eligibility of the [Trust-Territory] Federated States of Micronesia for participation in these programs and services.

(3) He shall take the steps as may be appropriate, upon the request of the Congress [of Micronesia], to secure the extension of these programs and services to the [Trust-Territory] Federated States of Micronesia."

Section 40. Section 305 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 305. Apprenticeship training program.

(1) Not later than September 1, 1975, the chief [of the Labor Division] shall submit to the Congress [of Micronesia] and to the [High Commissioner] President a program for an apprenticeship training program, whereby employers would be reimbursed for a portion of the salary of an apprentice by the [Trust-Territory] Government of the Federated States of Micronesia until these apprentices have been fully qualified in their trade.

(2) This program shall be limited to trades which the
chief believes essential to the future development needs
of the Federated States of Micronesia, and shall include,
but not be limited to, programs in the fields of
construction, agriculture, and mechanics.

(3) This program shall include a statement of the funds
necessary to implement the program, together with a
request for the funds.

(4) To the maximum extent possible, the chief is
authorized and directed to seek funding for the program
out of the regular operating budget of [the] his
division."

Section 41. Section 306 of title 51 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 306. Annual report. The chief [of the Labor
Division] shall, not later than January 31 of each year,
transmit to the Congress [of Micronesia] and to the [High
Commissioner] President a complete report of the
activities of the division over the previous year,
together with the other information as shall be required
by this or other chapters to be included in the report.
The report shall also contain recommendations for
legislation by the Congress [of Micronesia], in
particular, legislation devoted to the development of
labor skills of citizens of the [Trust Territory]
Federated States of Micronesia."
Section 42. Title 51 of the Code of the Federated States of Micronesia is hereby amended by repealing section 307 in its entirety.

Section 43. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 10/2/99

Introduced by: Joseph J. Krusemal (by request)